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Attorneys for Defendants
CEEG (SHANGHAI) SOLAR SCIENCE & TECHNOLOGY CO., LTD. and
CHINA SUNERGY (NANJING) CO., LTD.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION- LOS ANGELES

SUNVALLEY SOLAR, INC., a
Nevada Corporation,

Plaintiff,

vs.

CHINA ELECTRIC EQUIPMENT
GROUP CORPORATION, a
corporation chartered in China; DOES
1 through 50, inclusive,

Defendants.

Case No. _____

NOTICE OF REMOVAL OF
CIVIL ACTION PURSUANT TO
9 U.S.C. § 201 *et seq.*

1 To the Honorable Judges of the United States District Court for the
 2 Central District of California, to Plaintiff Sunvalley Solar, Inc., and to its
 3 attorneys of record:

4 PLEASE TAKE NOTICE that Defendants CEEG (Shanghai) Solar
 5 Science & Technology Co., Ltd. (“SST”) and China Sunergy (Nanjing) Co.,
 6 Ltd. (“CSUN”) hereby remove this action from the Superior Court of
 7 California for the County of Los Angeles-Pomona Division to the United
 8 States District Court for the Central District of California – Western Division,
 9 the district and division within which the state court action is pending. In
 10 support, Defendants state as follows:

11 **THE REMOVED CASE**

12 1. On January 17, 2014 a civil action was commenced in the
 13 Superior Court of California- Pomona Courthouse, captioned *Sunvalley Solar,*
 14 *Inc. v. China Electric Equipment Group Corporation*, Case No. KC065447.

15 2. Defendants CEEG (Shanghai) Solar Science & Technology Co.,
 16 Ltd. (“SST”) and China Sunergy (Nanjing) Co., Ltd. (“CSUN”) are the current
 17 defendants in the action.¹

18 3. Sunvalley Solar, Inc. (“Sunvalley”) alleges the following causes
 19 of action against Defendants: breach of contract, intentional misrepresentation,
 20 negligent misrepresentation, and violation of California Business and
 21 Professions Code § 17200.

22 **BASIS FOR REMOVAL: FEDERAL QUESTION**

23 4. This Court has original jurisdiction over this civil action under 9
 24 U.S.C. § 201, *et seq.*, which provides for federal subject matter jurisdiction in
 25 actions relating to an arbitration agreement arising out of a legal, commercial
 26

27 ¹ Defendant China Electric Equipment Group Corporation and Doe Defendant China
 28 Sunergy (US) Clean Tech, Inc. were dismissed without prejudice on May 1, 2014.
 Defendants SST and CSUN were added on May 7, 2014.

1 relationship involving a citizen of a signatory state to the Convention on
2 Recognition and Enforcement of Foreign Arbitral Awards. *See Balen v.*
3 *Holland America Line Inc.*, 583 F.3d 647 (9th Cir. 2009).

4 5. According to the complaint, Plaintiff is a Nevada corporation
5 with its principal place of business in the county of Los Angeles, California.

6 6. Defendants SST and CSUN are both citizens of China, a
7 signatory state to the Convention on Recognition and Enforcement of Foreign
8 Arbitral Awards.

9 7. Plaintiff's alleged causes of actions are related to certain
10 commercial transactions between Plaintiff and Defendants. These commercial
11 transactions are subject to written Sales Contracts between Plaintiff and
12 Defendants, pursuant to which all disputes in connection with the Contracts
13 are to be submitted to arbitration with China International Economic and
14 Trade Arbitration Commission Shanghai Commission.

15 8. Hence, this civil action is one which may be properly removed to
16 this Court under 9 U.S.C. § 201, *et seq.*

17 **REMOVAL IS TIMELY**

18 9. Pursuant to 9 U.S.C. § 205, removal can be effectuated at any
19 time before trial. The trial in this action has been set for November 3, 2015.
20 Therefore, this Notice of Removal is timely.

21 **CONSENT**

22 10. Both Defendants are removing the case; therefore, all Defendants
23 consent to removal.

24 **FILING OF REMOVAL PAPERS**

25 11. Pursuant to 28 U.S.C. § 1446(d), written notice will be served on
26 Plaintiff through their counsel of record and a copy of the written notice to
27 Plaintiff along with this Notice of Removal will be filed with the Superior
28

1 Court of California, County of Los Angeles- Pomona Courthouse.

2 **PAPERS FROM REMOVED ACTION**

3 12. A true and correct copy of all documents filed in this action in
4 state court are attached as Exhibit 1 through 41 as follows:

- 5 • *Exhibit 1-* Summons and Complaint, filed by Plaintiff on January 17,
6 2013
 - 7 • *Exhibit 2-* Notice of Case Management Conference, issued by the state
8 court on January 18, 2013
 - 9 • *Exhibit 3-* Notice of Motion and Motion of Defendant China Electric
10 Equipment Group Corporation to Quash Service of Summons;
11 Declaration of Pan Guohua In Support Thereof, filed on March 6, 2013
 - 12 • *Exhibit 4-* Notice re: Continuance of Case Management Conference,
13 issued by the state court on April 29, 2013
 - 14 • *Exhibit 5-* Notice of Non-Opposition to Motion to Quash, filed by
15 Plaintiff on June 13, 2013
 - 16 • *Exhibit 6-* Notice of Motion and Motion of Defendant China Electric
17 Equipment Group Corporation to Quash Services of Summons;
18 Declaration of Pan Guohua and Declaration of David M. Furbush In
19 Support Thereof, filed by Defendant on December 13, 2013
 - 20 • *Exhibit 7-* Amendment to Complaint (Doe 1 China Sunenergy Clean
21 Tech Inc. Aka CSUN), filed by Plaintiff on January 13, 2014
 - 22 • *Exhibit 8-* Notice of Case Reassignment, filed by Plaintiff on January 21,
23 2014
 - 24 • *Exhibit 9-* Plaintiff Sunvalley Solar, Inc.'s Opposition to Defendant
25 China Electric Equipment Group Corporation's Motion to Quash
26 Summons; Declaration of Henry Yu and Declaration of Jason J.L. Yang
27 In Support Thereof, filed on January 23, 2014
- 28

- 1 • *Exhibit 10*- Reply In Support of Defendant China Electric Equipment
2 Group Corporation's Motion to Quash Service of Summons;
3 Declaration of Kelly W. Craven In Support Thereof, filed by
4 Defendants on January 29, 2014
- 5 • *Exhibit 11*- Notice of Ruling on Defendant China Electric Equipment
6 Group Corporation's Motion to Quash Service of Summons, filed by
7 Plaintiff on February 14, 2014
- 8 • *Exhibit 12*- Request for Entry of Default against China Sunergy Clean
9 Tech Inc. aka CSUN, filed by Plaintiff on March 19, 2014
- 10 • *Exhibit 13*- Stipulation for Voluntary Dismissal and Continuance of
11 Case Management Conference and Order, filed by Defendants on May
12 1, 2014
- 13 • *Exhibit 14*- Notice of Continuance of Case Management Conference
14 and Motion to Quash Hearing, filed by Plaintiff on May 6, 2014
- 15 • *Exhibit 15*- Amendment to Complaint (Doe 2 CEEG (Shanghai) Solar
16 Science & Technology Co., Ltd.), filed by Plaintiff on May 8, 2014
- 17 • *Exhibit 16*- Amendment to Complaint (Doe 3 China Sunergy (Nanjing)
18 Co., Ltd.), filed by Plaintiff on May 8, 2014
- 19 • *Exhibit 17*- Amended Proof of Service of Amendment to Complaint,
20 filed by Plaintiff on May 14, 2014
- 21 • *Exhibit 18*- Acknowledgements of Receipt, filed by Plaintiff on June 4,
22 2014
- 23 • *Exhibit 19*- Answer to Amended Complaint, filed by Defendants on
24 June 30, 2014
- 25 • *Exhibit 20*- Notice of Continuance of Case Management Conference
26 and OSC, filed by Plaintiff on August 18, 2014
- 27 • *Exhibit 21*- Notice of Ruling at Case Management Conference, filed by
28

1 Plaintiff on September 19, 2014

- 2 • *Exhibit 22*- Plaintiff's Motion Compelling Form Interrogatory- Set One
3 Responses from CEEG (Shanghai) Solar Science & Technology Co.,
4 Ltd.; Memorandum of Points and Authorities and Declaration of Jason
5 J.L. Yang In Support Thereof; Proposed Order filed on December 22,
6 2014
- 7 • *Exhibit 23*- Plaintiff's Motion Compelling Request for Production of
8 Documents- Set One Responses from CEEG (Shanghai) Solar Science
9 & Technology Co., Ltd.; Memorandum of Points and Authorities and
10 Declaration of Jason J.L. Yang In Support Thereof; Proposed Order,
11 filed on December 22, 2014
- 12 • *Exhibit 24*- Plaintiff's Motion Compelling Special Interrogatory- Set
13 One Responses from CEEG (Shanghai) Solar Science & Technology
14 Co., Ltd.; Memorandum of Points and Authorities and Declaration of
15 Jason J.L. Yang In Support Thereof; Proposed Order, filed on
16 December 22, 2014
- 17 • *Exhibit 25*- Plaintiff's Motion To Deem Request for Admissions- Set
18 One Served On CEEG (Shanghai) Solar Science & Technology Co.,
19 Ltd. Admitted; Memorandum of Points and Authorities and Declaration
20 of Jason J.L. Yang In Support Thereof; Proposed Order, filed on
21 December 22, 2014
- 22 • *Exhibit 26*- Plaintiff's Motion Compelling Form Interrogatory- Set One
23 Responses from China Sunergy (Nanjing) Co., Ltd.; Memorandum of
24 Points and Authorities and Declaration of Jason J.L. Yang In Support
25 Thereof; Proposed Order, filed on December 22, 2014
- 26 • *Exhibit 27*- Plaintiff's Motion Compelling Request for Production of
27 Documents- Set One Responses from China Sunergy (Nanjing) Co.,
28

1 Ltd.; Memorandum of Points and Authorities and Declaration of Jason
2 J.L. Yang In Support Thereof; Proposed Order, filed on December 22,
3 2014

- 4 • *Exhibit 28*- Plaintiff's Motion Compelling Special Interrogatory- Set
5 One Responses from China Sunergy (Nanjing) Co., Ltd.; Memorandum
6 of Points and Authorities and Declaration of Jason J.L. Yang In Support
7 Thereof; Proposed Order, filed on December 22, 2014
- 8 • *Exhibit 29*- Plaintiff's Motion To Deem Request for Admissions- Set
9 One Served On China Sunergy (Nanjing) Co., Ltd. Admitted;
10 Memorandum of Points and Authorities and Declaration of Jason J.L.
11 Yang In Support Thereof; Proposed Order, filed on December 22, 2014
- 12 • *Exhibit 30*- Ex Parte Application For An Order To Advance And
13 Shortening Time To Hear The Motions To Compel Responses To
14 Discovery Requests; Declaration of Jason J.L. Yang In Support
15 Thereof; Proposed Order, filed by Plaintiff on January 13, 2015
- 16 • *Exhibit 31*- Notice of Ruling on Ex Parte Application, filed by Plaintiff
17 on January 21, 2015
- 18 • *Exhibit 32*- Notice of Continuance of Motion to Deem Request for
19 Admissions Admitted and Motion to Compel Form Interrogatory
20 Responses from CEEG (Shanghai) Solar Science & Technology Co.,
21 Ltd., filed by Plaintiff on March 3, 2015
- 22 • *Exhibit 33*- Notice of Taking the Motions to Compel Off-Calendar, filed
23 by Plaintiff on March 12, 2015
- 24 • *Exhibit 34*- Stipulation and Order to Continue the Trial and Other Trial
25 Related Dates, filed by Defendants on March 19, 2015
- 26 • *Exhibit 35*- Plaintiff's Motion to Compel Further Responses to Form
27 Interrogatories- Set One from CEEG (Shanghai) Solar Science &
28

1 Technology Co., Ltd.; Memorandum of Points and Authorities and
 2 Declaration of Jason J.L. Yang In Support Thereof; Separate Statement
 3 of Items in Dispute; Proposed Order, filed on April 28, 2015

- 4 • *Exhibit 36*- Plaintiff's Motion to Compel Further Responses to Special
 5 Interrogatories- Set One from CEEG (Shanghai) Solar Science &
 6 Technology Co., Ltd.; Memorandum of Points and Authorities and
 7 Declaration of Jason J.L. Yang In Support Thereof; Separate Statement
 8 of Items in Dispute; Proposed Order, filed on April 28, 2015
- 9 • *Exhibit 37*- Plaintiff's Motion to Compel Further Responses and
 10 Compliance to Request for Production of Documents- Set One from
 11 CEEG (Shanghai) Solar Science & Technology Co., Ltd.; Memorandum
 12 of Points and Authorities and Declaration of Jason J.L. Yang In Support
 13 Thereof; Separate Statement of Items in Dispute; Proposed Order, filed
 14 on April 28, 2015
- 15 • *Exhibit 38*- Plaintiff's Motion to Compel Further Responses to Form
 16 Interrogatories- Set One from China Sunergy (Nanjing) Co., Ltd.;
 17 Memorandum of Points and Authorities and Declaration of Jason J.L.
 18 Yang In Support Thereof, filed on April 28, 2015
- 19 • *Exhibit 39*- Plaintiff's Motion to Compel Further Responses to Special
 20 Interrogatories- Set One from China Sunergy (Nanjing) Co., Ltd.;
 21 Memorandum of Points and Authorities and Declaration of Jason J.L.
 22 Yang In Support Thereof; Separate Statement of Items in Dispute, filed
 23 on April 28, 2015
- 24 • *Exhibit 40*- Plaintiff's Motion to Compel Further Responses and
 25 Compliance to Request for Production of Documents- Set One from
 26 China Sunergy (Nanjing) Co., Ltd.; Memorandum of Points and
 27 Authorities and Declaration of Jason J.L. Yang In Support Thereof;
 28

1 Separate Statement of Items in Dispute; Proposed Order, filed on April
2 28, 2015

- 3 • *Exhibit 41*- Defendants' Consolidated Opposition to Plaintiff's Motions
4 to Compel Discovery and Requests for Sanctions, filed on June 30,
5 2015

6 **CONCLUSION**

7 13. This removal is timely, and all conditions and procedures for
8 removal have been satisfied, including those required by 28 U.S.C. § 1446 and
9 the Local Rules of the United States District Court for the Central District of
10 California.

11 14. Based upon the above stated facts and legal principles, and in
12 accordance with 9 U.S.C. § 201, *et seq.*, this entire action is properly
13 removable to the United States District Court of the Central District of
14 California.

15 15. Defendants reserve the right to file such additional support for
16 this Notice of Removal as may be appropriate.

17 WHEREFORE, Defendants, without waiving any of its defenses,
18 respectfully request that the above-captioned action be removed from the
19 Superior Court of California, County of Los Angeles- Pomona Courthouse, to
20 this Court.

21 Dated: July 6, 2015

22 PILLSBURY WINTHROP SHAW
23 PITTMAN LLP

24 By: /s/ Elaine Y. Lee
25 Elaine Y. Lee
26 Attorneys for Defendants
27 CEEG (SHANGHAI) SOLAR SCIENCE
28 & TECHNOLOGY CO., LTD. and
CHINA SUNERGY (NANJING) CO.,
LTD.